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#### REMARKS

Claims 1, 2 – 23, 25 - 28, and 30 - 48 are pending in the present Application, claim 24 having been cancelled in the Response dated March 14, 2006. No claims have been amended, cancelled, or added, leaving Claims 1, 3 – 23, 25 – 28, and 30 – 48 for consideration upon entry of the present Amendment.

Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

#### Information Disclosure Statement

Applicants note that the Examiner has not considered the art submitted in the Information Disclosure Statement filed May 22, 2006. The Examiner states that the Information Disclosure Statement fails to comply with 37 CFR 1.98(a)(2) because legible copies of each foreign patent document or non-patent literature publication was not provided; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Applicants wish to bring to the Examiners attention that the Information Disclosure Statement filed May 22, 2006 cited only U.S. Patent Application Publications. Applicants respectfully request that the art submitted in this Information Disclosure Statement be considered and a fully initialed PTO Form A820 be returned to the Applicants, or that the Examiner specifies more particularly which item of information is missing.

#### Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-23, 25, 27-28, 30-34, and 36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Publication No. 2002/0182389 A1 (Döbler) in combination with U.S. Patent No. 6,060,154 (Adachi) or in the alternative, as unpatentable over Döbler in combination with Adachi and further in view of U.S. Patent No. 4,648,710 to Ban et al.

Claims 35 and 37-48 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Döbler in view of Adachi. Applicants respectfully traverse these rejections.

The Examiner contends that Döbler "meets all the limitations of the claimed core layer and one cap layer with the exception of the specifically claimed boride IR absorbing additive."

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Therefore, the Examiner relies upon Adachi et al. to teach “adding/substituting the IR absorbents of Döbler with the boride additives of Adachi.” (Office Action dated May 31<sup>st</sup>, 2006, hereinafter “OA 05/06”, page 2.)

Döbler teaches a heat absorbing system comprising at least a first layer (A) containing a ultraviolet absorber, a second layer (B) containing an organic infrared absorber and ultraviolet absorber and a third, interference layer (C) reflecting in the infrared range is disclosed.

(Abstract) Since Döbler specifically discloses a second layer containing an organic infrared absorber and an ultraviolet absorber (Abstract), Döbler expressly teaches that suitable infrared absorbers are organic. (Page 3, paragraph [0047])

When read as a whole, Adachi et al. teach a coating solution for forming a selectively transmitting film. (Abstract) Specifically, Adachi et al. teach a coating solution comprising particles having an average diameter of 100 nm or less for cutting off ultraviolet radiation.

(Abstract) Adachi et al. teach that lanthanum boride particles can be used in the coating.

(Abstract) Adachi et al. further teach that the coating can comprise at least one of the alkoxides of silicon, zirconium, titanium, and aluminum, and partially hydrolyzed polymers of those alkoxides, or a synthetic resin as a binder. (Abstract) Adachi et al. teach that the synthetic resin is a curable resin and can be cured by using ultra-violet radiation. (Col. 4, lines 34 – 40) Adachi et al. therefore teach that the synthetic resin is a thermosetting resin and not a thermoplastic polymer as presently claimed. As such, there is no motivation to combine Adachi with Döbler.

The Examiner explicitly acknowledges that Döbler fails to teach a boride additive and that “Adachi teaches thermosetting polymers and not the thermoplastic polymers as taught by Döbler.” (OA 05/06, page 6) The Examiner further admits that the “differences [between thermosetting polymers and thermoplastics] are notoriously known,” but contends that they are “not expected to change by adding a powdery non-reactive filler such as LiB<sub>6</sub> to either one of the compositions”. (OA 05/06, page 6)

The Examiner explicitly admits fundamental differences between the disclosures of Adachi et al. and Döbler (e.g., Döbler teaches a thermoplastic material and designing layers as a lacquer or as a coextrusion layer while Adachi et al. teach thermosetting material and designing the layer as a coating with uniform dispersion), but still contends that it would be obvious to combine the references without providing motivation to combine or any expectation of success.

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Since Adachi et al. teach using thermosetting resins as a coating, while Döbler, in paragraphs [0054] and [0055], teaches using thermoplastic resins in the core layer, one of ordinary skill in the art upon reading Döbler and Adachi et al. would not seek to combine the two references.

Another fundamental difference that would preclude an artisan from combining the references is that Döbler specifically teaches that the second layer containing the infra-red absorber is produced by co-extrusion or injection molding (paragraph [0094]), while Adachi et al. teach a coating that is in the form of a solution prior to being applied to a substrate. (See Col. 2, lines 54 – 58; see Col. 3, lines 31 – 37) Both extrusion and injection molding are melt blend processes that involve melting the thermoplastic polymer.

Applicants note that one of ordinary skill in the art upon reading Döbler and Adachi et al. would not be motivated to combine references, since the solutions disclosed by Adachi et al. (especially in its examples) could not be co-extruded or injection molded into the structure of Döbler without severely damaging the structure of Döbler. In other words, extruding a thermoplastic resin along with the IR additive (of Adachi) and the associated coupling agents and solvents would result in an extremely inefficient extrusion process, not to mention the creation of voids and the like in the second layer disclosed by Döbler. The Examiner even concedes that the extrusion of thermosetting materials requires a different process, i.e., “subsequent to the extrusion... [it is] cured with radiation.” Since it is commonly known in the art that thermoplastics and thermosetting materials are different, e.g., that thermoplastics can be molded and then melted again, but thermoset plastics form bonds between polymers strands when cured, there is no motivation to combine the references as suggested by the Examiner. While the Examiner alleges that lanthanum boride “is expected to act similarly in any transparent substance whether thermoplastic or thermosetting or even non-polymeric,” she provides no evidence thereof. Based on the admission that the materials are “notoriously” different and the failure to provide no additional motivation for an artisan to combine the distinct teachings of the two references, the Examiner has failed to establish a prima facie case of obviousness.

Furthermore, upon closely reading Adachi et al., one of ordinary skill in the art would gather that the dispersibility of the infrared absorber in the solution is critical in order for the coating to effectively terminate UV radiation having wavelengths up to about 400 nm. Adachi et al. stress dispersibility by teaching that in order to improve dispersibility of the infra-red

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absorber, additives such as surface active agents, coupling agents, or the like, may be added to the solution. (Col. 3, lines 31 – 37) Adachi et al. further suggest that in order to improve dispersibility, the solution may be ball milled, sand milled or subjected to ultrasonic dispersion. (Col. 3, lines 41 – 44) In each of its examples, Adachi et al. disclose that a coupling agent or a surfactant is added to the IR additives in order to facilitate dispersion in the coating. In Examples 1, 3 and 5, a titanate coupling agent is employed, while in Examples 9 and 11 (which discuss the lanthanum boride), a silane coupling agent is employed. Therefore, one of ordinary skill in the art, upon reading Adachi et al. and noting that dispersion of the lanthanum boride was never successfully achieved without the use of the coupling agents and surfactants, would not have been motivated to remove the IR additives of Adachi et al. and substitute them into the layer of Döbler without pre-treating them with coupling agents and/or surfactants. In other words, one of ordinary skill in the art desirous of performing extrusion on a thermoplastic resin that contains infra-red additives would not be motivated to selectively pick out an infra-red additive (without the coupling agent) from a reference that stresses the paramount importance of using a coupling agent to disperse the additive in reactive solution.

In addition to the aforementioned deficiencies, specifically the lack of motivation to combine, Döbler in view of Adachi et al. fail to teach all the elements of Applicants' claims. Therefore, even if one of ordinary skill in the art were to combine Döbler with Adachi et al., the claimed invention would not be arrived at. Specifically, in applying a coating comprising the thermosetting synthetic resin of Adachi et al. to the multilayered heat absorbing system of Döbler, one of ordinary skill in the art would arrive at a multilayered sheet that has a layer that comprises a thermosetting resin and an IR absorber coating. The present invention in contrast claims specifically a core layer that comprises a thermoplastic polymer and a boride IR absorber. Additionally, Döbler fails to teach the second cap layer as claimed by Applicants, and therefore, as will be discussed below, Döbler in light of Adachi et al. again fail to teach all the elements of Applicants claims.

For at least these reasons, the Applicants maintain that the Examiner has used an improper standard in arriving at the rejection of the above claims under § 103, based on improper hind sight which fails to consider the totality of applicant=s invention and to the totality of the cited references. More specifically the Examiner has used Applicant=s disclosure to select

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portions of the cited references to allegedly arrive at Applicant=s invention. In doing so, the Examiner has failed to consider the teachings of the references or Applicant=s invention as a whole in contravention of § 103, including the disclosures of the references which teach away from Applicant=s invention.

The Examiner states that:

[the] properties of boride additives by itself [are] enough motivation to add such additive to any transparent polymer base composition to achieve the results the boride compounds are characteristic of.

(OA 05/06, page 3) Applicants note that obviousness is not based upon what an artisan could do or what an artisan may try, but is based upon what an artisan would be motivated to do with an expectation of success. “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, No. 04-1616 (CAFC March 22, 2006) citing *In re Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002); and *In re Rouffett*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998) “When the [Examiner] does not explain the motivation, or the suggestion or teaching, that would have led the skilled artisan at the time of the invention to the claimed combination as a whole, [it is] infer[ed] that the [Examiner] used hindsight to conclude that the invention was obvious.” *Id.*

Here, the Examiner provides a merely conclusory statement as motivation, i.e. that the “properties of boride additives... [are] enough motivation to add such additive to any transparent polymer base composition to achieve the results the boride compounds are characteristic of.”

(OA 05/06, page 3) There is no motivation of how or why to combine the boride additives of Adachi with layer B of Döbler. As discussed above, while Döbler teaches a layer B can comprise a thermoplastic and an inorganic additive and an extrusion process, Adachi et al. teach a coating layer which can comprise a thermosetting material and an inorganic, e.g., lanthanum boride, additive and for at least this reason, there is no motivation to combine the references and no expectation of success.

Moreover, there is no suggestion or teaching of how or why to combine the boride additive with the apparatus of Döbler. There is no explanation of how such combination would, could, or might affect the absorption, transparency or other properties of the multilayer system. The present application is not the mere combination of two mechanical components into a single

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component as suggested in the conclusory statement. The interaction of the components and the ability to function as intended, e.g., absorb electromagnetic radiation while maintaining optimal transparency and physical properties, are also factors. For example, as disclosed by Applicants, the transparency of the multilayer sheet depends on the dispersion of the boride and the layer in which the boride additive is located. (Example 1) Specifically, the Applicants found that an "object can be clearly seen through the multilayer sheet containing the LaB<sub>6</sub> in the core layer, [but] it is barely visible through the multilayer sheet containing the LaB<sub>6</sub> in the cap layer." The specific location and dispersion of LaB<sub>6</sub> changes the physical properties of the multilayer sheet. No motivation (besides a merely conclusory statement) and no expectation of success have been provided to combine the distinct components of the references. Since the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art, i.e., that the prior art relied upon must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references, and that the proposed modification of the prior art must have had a reasonable expectation of success, and since that burden has not been met, no *prima facie* case of obviousness has been established.

Reconsideration and withdrawal of these rejections are respectfully requested.

Specifically referring to patentable independent Claim 1 and patentable dependent claim 36, as discussed above, Döbler in view of Adachi et al. fail to teach the second cap layer as claimed by Applicants. Specifically, the references fail to teach a second cap layer comprising a thermoplastic polymer and an electromagnetic radiation absorbing additive. It is first noted that the Examiner contends that

the layer claimed as the second cap layer is Not defined as having any structure or characteristics, and, thus, would have been met by any layer with any structure as long as it has a polymer (in any amount) and an additive (in any amount).

(OA 05/06, page 5) Applicants respectfully disagree. Döbler expressly teaches a first layer (A) containing an ultraviolet absorber, a second layer (B) containing an organic infrared absorber and ultraviolet absorber and a third, interference layer (C) reflecting in the infrared range. (Paragraph 0002, 0015) More specifically Döbler specifically claims a "third, interference layer (C) reflecting in the infrared range" (Page 7, Claim 1) containing "at least two transparent layers (C1) and (C2) having refractive indices that differ one from the other." (Page 7, Claim 2) As such, Döbler fails to claim "any layer with any structure as long as it has a polymer (in any amount)

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and an additive (in any amount)" as alleged by the Examiner and instead claims a third interference layer (C) which reflects in the infrared range. Since Applicants specifically claim a second cap layer comprising a thermoplastic polymer and an electromagnetic radiation absorbing additive, and Döbler et al. merely teach a reflective layer C, Applicants claims are not obvious.

Furthermore, Döbler clearly fails to teach a second cap layer comprising a thermoplastic polymer and an electromagnetic radiation absorbing additive disposed "opposite the surface in contact with the first cap layer" as claimed by Applicants. The Examiner conceded this deficiency in the OA 10/05, stating that Döbler and Adachi fail "to specify the inclusion of UV absorbers [in] both of the layers surrounding the core layer (B)". (Page 3, paragraph 6) Therefore, the Examiner alternatively relies on Ban et al. to teach reflective films containing radiation absorber additive; however, Applicants respectfully disagree. Ban et al. merely teach a blind guide device with a retroreflective mark which refracts and reflects incident light and fail to teach an absorbing additive in a reflective layer as alleged by the Examiner. The retroreflective material disclosed by Ban et al., i.e. SCOTCHLITE from 3M Co. (Fig. 2a), utilizes retroreflection, which occurs when light rays are returned in the direction from which they came. Ban et al. only discloses a photo diode, which can be used as a light-receiving element 20. (Col. 4, lines 8-10) The reflective body 18 does not contain a radiation absorbing additive. Since Ban et al. fails to teach a reflective layer with an absorber as alleged by the Examiner, Döbler in light of Ban et al. fails to render the Applicants' claims as obvious. Reconsideration and withdrawal of this rejection are respectfully requested.

While the Examiner contends that the second cap layer as claimed by the Applicants is merely a duplication in parts, Applicants respectfully disagree. As stated by the Examiner, "as well established by the law...unexpected results that can be clearly attributed to the addition of such layer" would render the Applicants claims unobvious. The Applicants have disclosed in the specification that "the results clearly show that in the aforementioned configuration, there is improved transparency, lower haze and better color." (Paragraph 0096) Disposing a second cap layer upon and in intimate contact with the surface of the core layer opposite the surface in contact with the first cap layer is not obvious. There is no teaching or suggestion of how or where to add a second cap layer containing an electromagnetic radiation absorbing additive or any expectation of success. As such, the claimed invention, as a whole, is clearly unobvious.

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Specifically regarding Claim 35, as discussed above, Döbler in view of Adachi et al. fail to teach a core layer comprising a thermoplastic polymer and an IR absorbing additive wherein the IR absorbing additive is a boride and for at least this reason fail to render the Applicants' claims obvious. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 26 further stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Döbler in view of Adachi et al. as applied above, and further in view of Burkhardt et al.

In making the rejection, the Examiner has stated that “[i]t is the Examiner's position that it would have been *prima facie* obvious to use roll mills in Döbler's coextrusion line to combine, calibrate and cool the films. (Office Action dated 12/28/2004, page 7) It is first noted that Döbler in view of Adachi et al. fail to teach all the elements of the claimed invention and no motivation to combine, so for at least this reason, Applicants' claims are not obvious.

Burkhardt teaches that convention film extrusion practices include three roll mills to calibrate and cool the film. (see Figure 25) Therefore, in teaching conventional extrusion using two or three roll mills, Burkhardt teaches away from Adachi since Adachi teaches the use of a solution used for a coating. The use of coupling agents and compatibilizers in the solution of Adachi would preclude combining it with Burkhardt. In other words, one of ordinary skill in the art desirous of performing extrusion on a thermoplastic resin that contains infra-red additives would not be motivated to selectively pick out an infra-red additive from a reference that teaches dispersing the additive in solution, as discussed above. As such, one of ordinary skill in the art would not be motivated to combine Burkhardt with Adachi. Additionally, since Döbler, Adachi et al. and Burkhardt fail to teach all of the claimed elements, combining the references in the manner made by the Examiner would not result in the claimed invention.

The Examiner provides no motivation to use the two or three- mill rolls disclosed in Burkhardt et al. The Examiner refers to Fig. 25 to teach three rolls; however, Burkhardt et al. teach, and the Examiner admits, that the three rolls merely "calibrate and cool the film (sheet)". (1.4.3, Fig. 25) Applicants claim disposing the cap layers onto the surface of core layer in a two roll mill or a three roll mill. (Claims 22, 26) While Burkhardt et al. teach coextrusion, they fail to teach a two roll mill or a three roll mill to dispose cap layers onto the surface of a core layer. (Coextrusion, 1.4.3) As such there is no motivation for an artisan to use a three roll mill as

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disclosed in Burkhardt as disclosed by the Applicants. Since obviousness rejections are not based on what an artisan could do or could try, but instead on what an artisan would be motivated to do with an expectation of success, and no motivation or expectation of success have been provided, no *prima facie* case of obviousness has been established. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 13-16 and 46-48 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Döbler in view of Adachi et al. and further in view of MacGregor et al. Applicants respectfully traverse this rejection. Claims 35, 37-48 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Döbler in view of Adachi et al. and further in view of MacGregor et al. Applicants respectfully traverse this rejection.

As noted above, there is no motivation to combine Döbler with Adachi. MacGregor et al. does not rectify this deficiency. MacGregor et al. teach multilayer plastic composite articles comprising a thermoplastic resin substrate and at least one surface layer comprising a cycloaliphatic polyester or cycloaliphatic polyester blend which is adherent to at least one surface of the substrate. (see Abstract) In teaching multilayer plastic composite articles, MacGregor et al. teach melt blending which would dissuade one of ordinary skill in the art to combine it with Adachi et al. for the same reasons that one would not be motivated to combine Adachi et al. with Döbler. Furthermore, MacGregor et al. fail to teach a boride additive. For these reasons at least, the Examiner has not made a *prima facie* case of obviousness over Döbler in view of Adachi et al. and further in view of MacGregor et al. Applicants respectfully request a withdrawal of the obviousness rejection and an allowance of the claims.

Claims 1, 3-23, 25, 27-28, 30-48 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Döbler in view of Fujita et al., or in the alternative, over Döbler in view of Fujita et al., in combination with Ban.

As noted above, Döbler teaches a third layer C that comprises two layers C1 and C2 that have different refractive indexes. The two layers have different refractive indexes that are chosen to facilitate reflection of infra-red radiation. The present invention, in contrast, claims a third layer C that comprises a thermoplastic resin and an electromagnetic radiation absorbing additive.

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The third layer has only a single refractive index. Döbler therefore does not teach all elements of the claimed invention and as such, the Examiner relies on Fujita et al. to teach the deficiencies.

Fujita et al. teach a masterbatch comprising a thermoplastic resin and a hexaboride additive represented by the formula  $XB_6$ , wherein X is at least one selected from La, Ce, Pr, Nd, Gd, Tb, Dy, Ho, Y, Sm, Eu, Er, Tm, Yb, Lu, Sr and Ca. (Abstract) While Döbler further teaches that the masterbatch may be extruded or injection molded into sheets (paragraph [0012]), Fujita et al., however, do not teach or disclose a second cap layer having a single refractive index that comprises an electromagnetic absorbing additive, wherein the second cap layer is disposed on a core layer that also has a first cap layer disposed thereon. For at least this reason Fujita et al. do not make up for the deficiency of Döbler.

Furthermore, the Examiner contends in response to Applicants' remarks to OA 10/05 that the layer claimed as the second cap layer is [not] defined as having any structure or characteristics, and, thus, would have been met by any layer with any structure as long as it has a polymer (in any amount) and an additive (in any amount).

(OA 05/06, page 5) For at least the reasons discussed above, the Applicants respectfully disagree. Since Döbler specifically teaches a "third, interference layer (C) reflecting in the infrared range" and that the "interference layer (C) contains at least two transparent layers (C1) and (C2) having refractive indices that differ one from the other." (Page 7, Claims 1,2), as such, Döbler clearly fails to teach, mention, or suggest an additive in layer C. Furthermore, because Applicants specifically claim a second cap layer comprising a thermoplastic polymer and an electromagnetic radiation absorbing additive and because Döbler merely teaches a reflective layer C, Applicants claims are not obvious. Although the Examiner alleges that Döbler "any layer with any structure as long as it has a polymer (in any amount) and an additive (in any amount)", it is clear from the disclosure that Döbler only teach a reflective multilayer C.

Furthermore, the Examiner contends that Döbler teaches a "thickness of the core layer... is recited as 'about .5 to about 30 mm.' " (OA 05/06, page 4) However, Döbler teaches "layers (A) and (B) preferably each have a thickness of 1  $\mu m$  to 100  $\mu m$ ". (Paragraph 0040) Döbler teaches "if layer (B) is designed as substrate (S), layer (B) preferably has a thickness of 1 mm to 30 mm". (Paragraph 0037) However if layer (B) is designed as a substrate, then the layer structure is for example, "layer (A)- layer (B)- substrate (S)- layer (C)". (Paragraph 0035) This

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structure is clearly distinct from that disclosed by applicants, and as such if layer (B) is designed as a substrate (S), Döbler fails to render the Applicants claims obvious. Furthermore, if layer (B) is not designed as a substrate (S), then it has a thickness of about 1  $\mu\text{m}$  to 100  $\mu\text{m}$  and again fails to render the Applicants claims' obvious.

The Examiner alternatively relies on Ban et al. to teach a radiation absorbing additive in the reflective layer; however, as discussed above, Ban et al. clearly fail to remedy this deficiency. Furthermore, Ban et al. fail to teach the boride additive as disclosed by Applicants. Since Döbler and Fujita et al. fail to teach a second cap layer or a boride additive in the core layer as claimed by Applicants, and Ban et al. fail to resolve the deficiencies of Döbler and Fujita et al., the Applicants claims are not rendered obvious. As such, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 26 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Döbler in view of Fujita et al. as applied above, and further in view of Burkhardt et al. Applicants respectfully traverse this rejection.

The Examiner concedes that "Döbler and Fujita ...[teach] that the films may be coextruded but fail[] to mention the use of two- or three-roll mills." Therefore, the Examiner relies on Burkhardt et al. to allegedly teach "that conventional film extrusion practices include three-roll mills to calibrate and cool the Film." (OA 10/05, page 7) Applicants first note that for at least the reason that Döbler and Fujita et al. fail to teach all the elements of Applicants' claims, as discussed above, Burkhardt et al. in view of Döbler and Fujita et al. also fail to render Applicants' claims obvious.

In addition, for at least the reasons discussed above, the Examiner provides no motivation to use the two or three- mill rolls disclosed in Burkhardt et al. Burkhardt et al. teach, and the Examiner admits, that the three rolls "calibrate and cool the film (sheet)." (1.4.3, Fig. 25) Applicants claim disposing the cap layers onto the surface of core layer in a two roll mill or a three roll mill. (Claims 22, 26) While Burkhardt et al. teach coextrusion, they fail to teach a two roll mill or a three roll mill to dispose cap layers onto the surface of a core layer. (Coextrusion, 1.4.3) As such there is no motivation for an artisan to use a two roll mill or a three roll mill as

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disclosed by the Applicants and no prima facie case of obviousness has been established. Reconsideration and withdrawal of this rejection are respectfully requested.

Nonstatutory Double Patenting Rejections

Claims 1,3-23, 25-28, 30-48 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 and 24-39 of copending Application No. 11/124,223. (OA 05/06, page 5)

Applicant respectfully requests that the examiner hold the provisional obviousness-type double patenting rejections in abeyance until the claims are in final form and condition for allowance, as until such time, there is no double patenting and no way to determine double patenting. MPEP § 804.01.I(B)(1).

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-3621.

Respectfully submitted,

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